

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE**

Civil Complex Center  
751 W. Santa Ana Blvd  
Santa Ana, CA 92701

**SHORT TITLE:** Walter vs. Farfetch.com US, LLC**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC  
SERVICE****CASE NUMBER:  
30-2020-01139875-CU-BT-CXC**

I certify that I am not a party to this cause. I certify that the following document(s), Order Granting Plaintiff's Motion for Preliminary Approval of Class Action Settlement dated 02/21/23, have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from Orange County Superior Court email address on February 22, 2023, at 2:39:11 PM PST. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

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Clerk of the Court, by:



, Deputy

**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE**

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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER  
**FEB 21 2023**  
DAVID H. YAMASAKI, Clerk of the Court  
BY: D. MIRANDA, DEPUTY

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11 NATHAN WALTER

12  
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **IN AND FOR THE COUNTY OF ORANGE**

15 NATHAN WALTER, individually and on  
16 behalf of a class of similarly situated  
17 individuals,

18 Plaintiff,

19 v.

20 FARFETCH.COM US, LLC;  
21 FARFETCH.COM LIMITED; and DOES 1  
through 100, inclusive,

22 Defendants.

Case No: 30-2020-01139875-CU-BT-CXC  
CLASS ACTION

~~REVISED-PROPOSED~~ ORDER  
GRANTING PLAINTIFF'S MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT

Date: January 20, 2023  
Time: 1:30 p.m.  
Courtroom: CX103

Action Filed: April 1, 2020  
Trial Date: None

**KELLER GROVER LLP**  
1965 Market Street, San Francisco, CA 94103  
Tel. 415.543.1305 | Fax 415.543.7861

1 Plaintiff's Motion for Preliminary Approval of Class Action Settlement came on for  
2 hearing in the above captioned court, the Honorable Lon F. Hurwitz presiding. All parties  
3 appeared by counsel of record.

4 Having fully reviewed and considered Plaintiff's motion, the January 7, 2022 Declaration  
5 of proposed Class Counsel Eric A. Grover, the January 7, 2022 Declaration of proposed Class  
6 Counsel Scot D. Bernstein, the December 22, 2021 Declaration of Kroll Settlement  
7 Administration, the October 26, 2022 Supplemental Declaration of Eric A. Grover, the Settlement  
8 Agreement and Release ("Settlement Agreement") between Plaintiff Nathan Walter ("Plaintiff")  
9 and Defendant Farfetch.com US, LLC ("Defendant") (Exhibit 1 to the January 7, 2022 Grover  
10 Declaration), the Stipulation Re Section 11.2 of the Settlement Agreement (Exhibit 2 to the  
11 Supplemental Grover Declaration), the proposed Settlement Class Notices (Exhibits 1-A, 1-B to  
12 the January 7, 2022 Grover Declaration and Exhibit 3 to the Supplemental Grover Declaration)  
13 and Claim Form (Exhibit 1-D to the January 7, 2022 Grover Declaration), and the arguments of  
14 counsel, and with GOOD CAUSE APPEARING, the Court hereby rules as follows:

- 15 1. The Court GRANTS Plaintiff's Motion for Preliminary Approval of Class Action  
16 Settlement.
- 17 2. The Court GRANTS preliminary approval of the terms and conditions contained in  
18 the Settlement Agreement and Stipulation Re Section 11.2 of the Settlement  
19 Agreement. The Court FINDS that the terms of the Settlement Agreement (as  
20 amended by the Stipulation Re Section 11.2 of the Settlement Agreement) are  
21 within the range of possible approval at the final approval hearing. Unless  
22 otherwise provided in this Order, all capitalized terms shall have the same meaning  
23 as set forth in the Settlement Agreement.
- 24 3. The Court FINDS that the following class should be preliminarily certified for  
25 settlement purposes only:

26 All natural persons who, while residing or located in California, placed a  
27 call to Defendant's customer service telephone number ((646) 791-3768) at  
28 any time during the period from and including April 1, 2019 through August

1 3, 2020 (the “Class Period”) and spoke with a representative and were not  
2 notified that the call would be recorded. Excluded from the Settlement  
3 Class are all attorneys and employees of Settlement Class Counsel, any  
4 judicial officer to whom this case is assigned, and persons who validly opt  
5 out of the settlement by following the procedures set forth in the Settlement  
6 Agreement and Release.

- 7 4. The Court FINDS that, for the purposes of approving this settlement only, the  
8 proposed Settlement Class meets the requirements for certification under Code of  
9 Civil Procedure § 382: (a) the proposed Settlement Class is ascertainable and so  
10 numerous that joinder of all members of the Class are impracticable; (b) there are  
11 questions of law or fact common to members of the proposed Settlement Class; (c)  
12 the claims of Plaintiff are typical of the claims of the members of the proposed  
13 Settlement Class and the Plaintiff is representative of the proposed Settlement  
14 Class; (d) Plaintiffs’ Counsel, Keller Grover LLP and Law Offices of Scot D.  
15 Bernstein, A Professional Corporation, will fairly and adequately protect the  
16 interests of the proposed Settlement Class; and (e) a class action is superior to the  
17 other available methods for an efficient resolution of this controversy.
- 18 5. The Court preliminarily APPOINTS as Settlement Class Counsel Keller Grover  
19 LLP and Law Offices of Scot D. Bernstein.
- 20 6. The Court preliminarily APPROVES Plaintiff Nathan Walter as Settlement Class  
21 Representative.
- 22 7. The Court preliminarily APPROVES Kroll Settlement Administration as Claims  
23 Administrator for the purpose of this settlement and pursuant to the terms contained  
24 in the Settlement Agreement.
- 25 8. The Court APPROVES the Postcard Notice, Email Notice, and Claim Form, which  
26 are attached as **Exhibits 1-A, 1-B, and 1-D** to the January 7, 2022 Grover  
27 Declaration, and the Long-Form Settlement Class Notice attached as **Exhibit 3** to  
28 the Supplemental Grover Declaration. The Court finds that the notice procedure

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set forth in the Settlement Agreement, which includes the U.S. mail distribution of the Postcard Notice, the email distribution of the Email Settlement Class Notice, and the publication of the Long-Form Settlement Class Notice and Claim Form on the Settlement Website, constitutes the best notice practicable under the circumstances and is in full compliance with the laws of the State of California and the United States and the requirements of due process. The Court further finds that the Settlement Class notice materials and Claim Form fully and accurately inform Settlement Class Members of all material elements of the Settlement Agreement, of each Settlement Class Member’s right to submit a claim, of each Settlement Class Member’s right to be excluded from the settlement, and of each Settlement Class Member’s right to object to the settlement.

9. The Court DIRECTS Defendant to compile and, no later than 20 days after the date of this Order, provide to the Claims Administrator, in the manner described in the Settlement Agreement, the Settlement Class Member Contact List.
10. The Court DIRECTS the Claims Administrator, after receiving the Settlement Class Member Contact List from Defendant, and no later than 30 days after the entry of this Order, to: (1) run database searches in an effort to obtain the names, mailing addresses, and email addresses associated with each telephone number provided by Defendant when no corresponding contact information is available; and (2) run all mailing addresses through the United States Postal Service National Change of Address (“NCOA”) (or comparable) database to update the information.
11. The Court DIRECTS the Claims Administrator, no later than 40 days after the entry of this Order, to publish the Settlement Website on the Internet at the URL [www.FFCallRecordingSettlement.com](http://www.FFCallRecordingSettlement.com) (or a similar URL if that one is not available) (“Settlement Website”), which shall set forth a summary of the terms of the settlement, state the means by which Settlement Class Members may communicate with the Claims Administrator (including but not limited to the Claims Administrator’s business name, address, a toll-free telephone number, and

1 e-mail address), contain a set of Frequently Asked Questions and corresponding  
2 answers, provide instructions on how to submit a Claim Form (both electronically  
3 and by mail) and the deadline to do so, and provide instructions on how to object  
4 to and opt out of the Class Action Settlement and the deadlines to do so. The  
5 Settlement Website also shall provide, free of charge, a viewable, printable, and  
6 downloadable copy, in PDF file format, of each of the following documents: this  
7 Agreement; the Complaint; the Court's order preliminarily approving the Class  
8 Action Settlement; the Claim Form; and the long-form Settlement Class Notice.

9 12. The Court DIRECTS the Claims Administrator, no later than 40 days after the entry  
10 of this Order, to send the Email Notice to each email addresses obtained for each  
11 Settlement Class Member.

12 13. The Court DIRECTS the Claims Administrator, no later than 40 days after the entry  
13 of this Order, to send the Postcard Notice via U.S. Mail to each of the persons on  
14 the Settlement Class Member Contact List for whom a valid address was located.  
15 If any Postcard Notices that are returned as undeliverable, the Claims Administrator  
16 must conduct skip tracing to attempt to identify an updated address and, if possible,  
17 remain the Postcard Notice.

18 14. The Court DIRECTS the Claims Administrator to take all other necessary actions  
19 in furtherance of obtaining correct mailing and emailing address information for  
20 Settlement Class Members, determining Settlement Class Members' payment  
21 amounts, receiving and processing Settlement Class Member objections and opt-  
22 outs, and other claims administration functions, as are specified in the Settlement  
23 Agreement.

24 15. Settlement Class Members who wish to participate in the settlement shall  
25 completely fill out and sign (or electronically submit) a Claim Form in the manner  
26 provided for in the Settlement Agreement. Claim Forms submitted by Class  
27 Members must be postmarked or received electronically no later than 100 days after  
28 the entry of this Order, except that if a Settlement Class Member requests an

1 extension of time to submit a claim form, the Claims Administrator shall review  
2 that request with Class Counsel and Counsel for Defendant, following which the  
3 Claims Administrator shall make the final decision whether the request for  
4 additional time shall be granted and shall promptly communicate that decision to  
5 the individual making the request.

6 16. The Court APPROVES the proposed procedure for the Settlement Class Members  
7 to submit a request for exclusion from the settlement. Any Settlement Class  
8 Member requesting exclusion from the settlement must send a letter, by first class  
9 mail, to the Claims Administrator containing (1) the title of the Action; (2) the full  
10 name, address, and telephone number of the person requesting exclusion; (3) a  
11 statement that he or she requests exclusion from the Settlement Class; and (4) the  
12 telephone number(s) from which that person claims to have made a call covered by  
13 this Class Action Settlement. Settlement Class Members who timely opt out of the  
14 Class Action Settlement shall (a) have no right to receive any benefits from the  
15 Class Action Settlement; (b) not be bound by the terms of the Class Action  
16 Settlement; and (c) have no right to object to the terms of the Class Action  
17 Settlement or to be heard at the final fairness hearing. Opt-out letters must be  
18 submitted individually and cannot be made on behalf of a group of Settlement Class  
19 Members. Each letter must be signed by the Settlement Class Member who is  
20 opting out. Any such opt-out request must be made in accordance with the terms  
21 set forth in this Agreement and the Settlement Class Notice and will be timely only  
22 if postmarked no later than 100 calendar days after entry of the Court's order  
23 preliminarily approving the Class Action Settlement (the "Exclusion Period"). The  
24 delivery date is deemed to be the date on which the request for exclusion is  
25 deposited in the U.S. Mail as evidenced by the postmark.

26 17. Any Settlement Class Member who does not submit a valid and timely request for  
27 exclusion from the Settlement Class will be bound by all proceedings, orders, and  
28 judgments in this action relating to the Settlement Agreement.

- 1           18.    The Court APPROVES the proposed procedure for the Settlement Class Members  
2           to object to the settlement. As explained in the Settlement Class Notices, any  
3           Settlement Class Member seeking to object to the settlement shall submit his or her  
4           Objection to the Claims Administrator no later than 100 calendar days after the  
5           entry of this Order. Unless otherwise authorized by the Court, written objections  
6           should include (1) a heading containing the name and case number of the Action;  
7           (2) the Settlement Class Member's name and postal address; (3) a statement as to  
8           the basis of the objector's belief that he or she is a member of the Settlement Class;  
9           (4) a detailed statement of each objection, including, if available, the factual and  
10          legal basis for each objection; and (5) a statement of whether the Settlement Class  
11          Member intends to appear, either in person or through counsel, at the final approval  
12          hearing, and, if through counsel, a statement identifying the counsel's name, postal  
13          address, telephone number, and email address. The failure to submit a written  
14          objection does not waive a Settlement Class Member's right to appear and orally  
15          object to the Settlement at the Final Approval Hearing. Settlement Class Counsel  
16          shall file copies of any objections with the final approval motion papers.
- 17          19.    The Court DIRECTS the Settlement Class Counsel to file the motion for final  
18          approval the settlement and the motion for award of reasonable attorneys' fees,  
19          litigation costs, administration costs, and a service award for the Settlement Class  
20          Representative no later than 110 days after the entry of this Order.
- 21          20.    The Final Approval Hearing is scheduled for August 11, 2023 at 1:30 p.m. in  
22          Department CX103, which is at least 130 days from the entry of this Order. At the  
23          time of the Final Approval Hearing, the Court shall finally determine whether the  
24          settlement is fair, reasonable and adequate. The date and time selected for the  
25          hearing must appear in the Settlement Class notice materials and on the Settlement  
26          Website. The Final Approval Hearing date or time may be changed without further  
27          notice. Any change to the Final Approval Hearing date or time shall be posted on  
28          the Settlement Website.



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21. In summary, the following is the timeline for the settlement administration of this action going forward:

Last day for Defendant to provide the Claims Administrator with Settlement Class Member List and the number of California Area Code telephone calls that each unique telephone number made to Defendant's customer service telephone number ((646) 791-3768) during the Class Period	20 calendar days after the entry of this Order.
Last day for Claims Administrator to publish Settlement Website	40 calendar days after the entry of this Order.
Last day for Claims Administrator to mail and email the Settlement Class Notice to Settlement Class Members	40 calendar days after the entry of this Order.
Last day for claims to be submitted electronically or postmarked by Settlement Class Members	100 calendar days after the entry of this Order.
Last day for requests for exclusion from the settlement to be postmarked by Settlement Class Members	100 calendar days after the entry of this Order.
Last day for Settlement Class Members to postmark objections to the settlement	100 days after the entry of this Order.
Last day for Settlement Class Counsel to file motion for final approval of settlement and motion for award of attorneys' fees, litigation costs, administration costs, and Settlement Class Representative's service award	110 calendar days after the entry of this Order.

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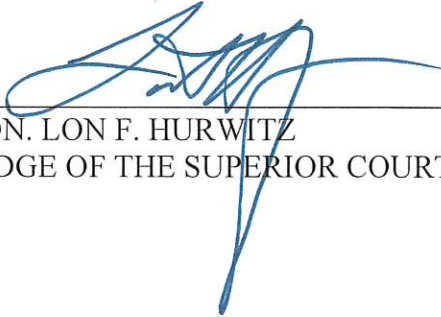
Hearing on motion for final approval of settlement and motion for Settlement Class Representative's service award, administration costs and application for attorneys' fees and costs	At least 130 calendar days after the entry of this Order.
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22. Except as provided herein and as necessary to effectuate the Settlement Agreement, the action is hereby stayed in its entirety and all currently calendared events are hereby vacated unless and until the Court renders a final decision on approval of the settlement.

**IT IS SO ORDERED.**

**FEB 21 2023**

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
HON. LON F. HURWITZ  
JUDGE OF THE SUPERIOR COURT